IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5932 OF 2005

IN

FIRST APPEAL (ST) NO. 26085 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

C.M. Lokesh for the appellants.
S.G.Thorat for the respondents.

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CORAM: S.B. DESHMUKH, J.

DATE : SEPTEMBER 11, 2006.

P.C. :

1. Heard the learned counsel for the parties.

2. The learned counsel for the applicant, fairly, submits that Civil Application No. 5922 of 2005 filed in F.A.(St) No. 26082 of 2005, filed on behalf of the present applicant is considered by this court. In that

matter, delay was about 728 days caused in filing of First Appeal in this court is condoned. Accident in both the cases is one and the same. In this case also, the delay occurred is of 728 days caused in filing of First Appeal in this court. This court has already allowed Civil Application No. 5922 of 2005 in First Appeal (St) No. 26082 of 2005 subject to payment of cost of Rs.3,000/- within 10 weeks. In this view of the matter, the present Civil Application is also allowed and disposed off in same terms i.e. delay is condoned subject to payment of costs of Rs.3000/- within a period of 10 weeks from today. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)

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C.M. Lokesh for the appellants.
S.G. Thorat for respondents.

.....

CORAM: S.B. DESHMUKH, J.

DATE : SEPTEMBER 11, 2006.

P.C. :

1. Heard the learned counsels for the parties.

2. The learned counsel for the

applicant, submits, that major portion of amount of compensation is received by the respondent. In this appeal, by way of statutory deposit an amount of Rs.16,376/- is deposited in this court. According to him, excess amount is deposited in this court. The applicant was required to deposit Rs.11,162.88/- only.

3. The learned counsel for the respondent has referred to the judgment of the trial court. From the judgment it appears that the respondent / original claimant was 66 years old, when his evidence was recorded. The Trial court has referred to the injury certificate in

paragraph 10 of the judgment. It is observed by the trial court that the respondent / original claimant has suffered 4% permanent disability. First Appeal is pending in this court.

4. Having considered the facts and circumstances in the present case, in my view case for grant of interim relief during the pendency of the appeal by way of stay to the judgment and award passed by the trial court is established. However, the respondent / original claimant is also permitted to withdraw an amount of Rs.10,000/- on his personal undertaking from this court, considering the age of the respondent

/ original claimant and the pendency in this court.

5. In the result, civil Application is partly allowed in terms of prayer clause 3(a) till the disposal of the appeal. The respondent / original claimant is permitted to withdraw an amount of Rs.10,000/- from this court on his personal undertaking. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 26085 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

C.M. Lokesh for the appellants.

S.G. Thorat for the respondents.

CORAM: S.B. DESHMUKH, J.
DATE : SEPTEMBER 11, 2006.

P.C. :

1. Heard the learned cousnel for the parties.

2. Admit.

3. Call for Record & Proceedings.

4. Printing of paper-book is dispensed with.

5. The appellant is directed to file requisite number of copies of private paper-book consisting of pleadings of parties, notes of evidence and other exhibited documents within a period of six weeks from today.

sd/-

(JUDGE)